Supreme Court of the United States

OCTOBER TERM, 1941.

STANDARD OIL COMPANY OF NEW JERSEY,
Petitioner,

against

OLAF JORGENSEN, JAMES J. SHEA, VASCO CANTOS and GUNNAR HANSON,
Respondents.

BRIEF IN SUPPORT OF PETITION FOR CERTIORARI.

Reference has been made in the petition to the jurisdictional provisions and the proceedings in the state courts. The facts have been stated in the petition.

The suit is based on a supposed right to recover one month's extra wages pursuant to Section 4527 of the Revised Statutes. The petitioner contends that the statute on which respondents rely is not applicable.

A. THE LEGISLATIVE HISTORY OF SECTION 4527 OF THE REVISED STATUTES SHOWS THAT IT IS NOT APPLICABLE.

When one considers the legislative background into which Section 4527 was enacted it becomes apparent that there was no intention on the part of Congress that it should apply to cases already provided for by Section 4582.

From time to time Congress has made elaborate provisions concerning the discharge of seamen and payment of

their wages, particularly in foreign ports. One of the earliest of such provisions was the Act of February 28, 1803, c. 9, §3, 2 Stat. 203. This statute was amended several times and is now Section 4582 of the Revised Statutes (U. S. Code, Title 46, §684).

Originally it provided that upon the discharge of a seaman in a foreign port, either because the vessel was sold, or, if not sold, the seaman had consented to his discharge, the master was obliged to deliver to the Consul three months' extra wages for such seaman, two-thirds of which was payable to the seaman for his subsistence and passage home, and the remaining third to be applied by the Consul to a fund for the care of destitute American seamen.

By further enactments, masters and shipowners were obliged to deliver three months' extra wages to Consuls in the same manner and for the same purposes where seamen were discharged abroad because the vessel had put to sea badly provisioned or in an unseaworthy condition, Act of July 20, 1840 c. 48, 5 Stat. 396; because the voyage was purposely and unnecessarily prolonged beyond the agreed time, Act of July 20, 1840, c. 48, Sec. 9, 5 Stat. 395; and because a seaman was entitled to his discharge pursuant to any Act of Congress or principle or usage of maritime law, Act of August 18, 1856, c. 127, Sec. 26, 11 Stat. 62.

The apparent purpose of these statutes was to prevent stranding and destitution of seamen when discharged in a foreign port and to fix a liquidated measure of compensation payable immediately. (Conventional damages.)

Into this pattern of the law, Congress enacted the Act of June 7, 1872, c. 322, Sec. 21, which later became Section 4527 of the Revised Statutes (Section 594, Title 46, U. S. Code). It provided a liquidated measure of compensation (one month's extra wages) in cases where a seaman's con-

tract was breached before one month's wages were earned. *The Steel Trader*, 275 U. S. 388.

In 1874 the Act of June 7, 1872, c. 322, Sec. 21, became Section 4527 of the Revised Statutes. The Act of February 28, 1803, c. 9, Sec. 3, became Section 4582 of the Revised Statutes.

Later, in 1884, Section 4582 was changed by reducing the requirement to pay three months' extra wages to one month's extra wages. Act of June 26, 1884, c. 121, Sec. 5, 23 Stat. 54. (The same change was made in all the statutes requiring the payment of three months' extra wages.) Still later, in 1898, the extra wage provision was abandoned altogether but a provision was substituted requiring the master to provide the seaman with other employment, or, pay his passage home. Act of December 21, 1898, c. 28, Sec. 17.

Thus for twelve years (1872-1884) Section 4582 and Section 4527 of the Revised Statutes stood side by side on the statute books, the one giving a seaman three months' extra wages where a vessel was sold in a foreign port, and the other, one month's extra wages where the seaman was discharged improperly before one month's wages had been earned.

Thereafter for fourteen years further (1884-1898) these statutes stood side by side but for this period both statutes provided for the payment of one month's extra wages. Since 1898 instead of requiring the payment of one month's extra wages on the sale of a vessel in a foreign port, a different obligation has been imposed. Since then the master has been required instead, to provide a seaman with other employment, or, pay his passage home.

In considering whether it was the intention of Congress that both these statutes apply in the same case, the question must be answered as it would have been when Section 4527 was first enacted. In other words, if the seamen in the

present case are correct in their contention and had this case arisen between 1872 and 1884, they would have been entitled to an extra month's wages pursuant to Section 4527 after recovering three months' wages pursuant to Section 4582. This would amount to four months' extra wages in addition to the wages they had earned for 28 days' work.

It is not reasonable to suppose that it was the intention of Congress in 1872 when it enacted Section 4527 that this result should obtain. It is more unreasonable to assume that Congress intended that two statutes providing for a liquidated measure of compensation should apply cumulatively in the same case. Indeed if seamen had ever supposed that Congress had any such intention they would have sought this double recovery long ago. Yet no such case has appeared before the present one.

Other anomalies will result if both sections are applied in the same case. For example, under Section 4582 in its present form, the master has the alternative of providing a seaman with other employment. In a case where a master provides a seaman with other employment, will it be said that Congress intended that he should also be entitled to one month's extra wages under Section 4527?

Further evidence of the Congressional intent is found in the history of the legislation. The Act of June 7th, 1872 c. 322, of which Section 4527 is a part, dealt primarily with the establishing of Shipping Commissioners in domestic ports of the United States who were to oversee the shipping and discharging of seamen in domestic ports.

These regulations were new for the most part and were not modifications of preexisting regulations. In fact, in

opening the discussions in the House of Representatives, Mr. Conger, who was in charge of the bill, said:

> "* * * The object of the bill, as indicated in its title, is to protect seamen by legal regulations as to the mode of their shipping and discharge, in lack of any laws now existing on the subject. The bill is substantially the shipping commissioner's act of England (The British Merchant Shipping Act of 1854), with such changes as have been deemed necessary to adapt it to this country." Congressional Globe of March 20th, 1872, page 1836. [Matter in parentheses not in original text.]

During the passage of the Bill through Congress, the particular section, §21 (R. S. 4527) was not specifically discussed. There is nothing else in the discussions in Congress which points specifically to the purpose of the Bill. In the absence of anything to the contrary the language of Mr. Conger "in lack of any laws now existing on the subject" implies that Congress was attempting to make new laws where none previously existed. Bearing in mind that the discharge of seamen in foreign ports was already amply provided for, and particularly cases where a vessel was sold in a foreign port, the conclusion is inescapable that Congress had no thought that Section 4527 was to apply to such discharges in foreign ports.

With respect to a seaman's rights on the sale of a vessel in a foreign port there was no "lack of any laws now existing on the subject".

In an examination of all the cases which have dealt with Section 4527, none is found in which that section was invoked in a case of discharge in a foreign port.

Respondents have made the contention in the Courts below that Section 4582 and Section 4527 are compatible

on the theory that the first applies only to cases where a seaman has consented to his discharge and the latter to cases in which he did not consent. Two cases were cited to support the contention that Section 4582 applied only to cases where the seaman consented. *Pool* v. *Welsh*, Fed. Cas. No. 11269 (1830) and *Heynsohn* v. *Merriman*, 1 Fed. 728 (1880). Respondents omitted to point out that these cases were decided under Section 4582 is its earlier form. By its terms when originally enacted (Act of February 28, 1803, c. 9, Sec. 3, 2 Stat. 203) it applied in either of two circumstances, viz.:

(1) When a vessel was *sold* in a foreign port, or

(2) When a seaman was discharged in a foreign port *with his consent.*

The *Heynsohn* case, *supra,* was not a case where the vessel was sold, nor a case where the seaman was discharged with his consent. For these reasons the Court refused to apply the statute.

The headnote to the *Pool* case, *supra,* is misleading. An analysis of the decision reveals that the seamen in that case were discharged *against their will* when the vessel was sold abroad and they recovered pursuant to Section 4582, as it then stood. The issue was whether the sale of the vessel was "voluntary" on the part of the master or because of "unavoidable necessity," in which latter event it was urged that the statute did not apply. The Court found that the sale of the vessel was "voluntary" and therefore applied the statute.

In any event the provision "with his own consent" is now deleted from the statute and, by its terms, it now applies only when a vessel is sold in a foreign port.

B. SECTION 4582 OF THE REVISED STATUTES IS SPECIFIC LEGISLATION WHICH EXCLUDES THE APPLICATION OF SECTION 4527 WHICH IS GENERAL IN ITS TERMS.

Familiar principles of statutory construction require that specific legislation be given effect over the general. Section 4582 refers specifically to a case where a vessel is sold in a foreign port and the crew discharged. There is nothing in the language of Section 4527 which directs its provisions specifically to such a case. Consequently Section 4582 should be considered as constituting an exception to the application of Section 4527.

In *Washington* v. *Miller,* 235 U. S. 422 at 428, this Court said:

> "* * * where there are two statutes upon the same subject, the earlier being special and the later general, the presumption is, in the absence of an express repeal, or an absolute incompatibility, that the special is intended to remain in force as an exception to the general, *Townsend* v. *Little,* 109 U. S. 504, 512; *Ex parte Crow Dog, Id.* 556, 570; *Rodgers* v. *United States,* 185 U. S. 83, 87-89".

In *Pillsbury Flour Mills Co.* v. *Great Northern Ry. Co.,* 25 F. (2d) 66 at 68 and 69 the Circuit Court Appeals, Eighth Circuit, said:

> "Is it an elementary rule of statutory construction that general and specific provisions in apparent contradiction may subsist together—the specific qualifying and supplying exceptions to the general. Sutherland on Statutory Construction (2d Ed.) §348; *Townsend* v. *Little,* 109 U. S. 504, 512, 3 S. Ct. 357, 27 L. Ed. 1012; *Kepner* v. *United States,* 195 U. S. 100, 125, 24 S. Ct. 797, 49 L. Ed. 114, 1 Ann. Cas. 655; *Anchor Oil Co.* v. *Gray,* 257 F. 277, 283 (C. C. A. 8)."

See also *Ginsberg & Sons* v. *Popkin,* 285 U. S. 204, 208, and *Kepner* v. *United States,* 195 U. S. 100, 125.

C. SECTION 4527 OF THE REVISED STATUTES IS NOT APPLICABLE BECAUSE THE PETITIONER FULFILLED ITS CONTRACT WITH THE RESPONDENTS.

The voyage was completed as far as Montreal. There is nothing in the articles which required the vessel to proceed elsewhere. The only remaining provision unfulfilled was the matter of returning "to a final port of discharge in the United States".

If this provision was met by returning the seamen by rail to New York, the port at which they were engaged, the petitioner's undertaking with respondents was fulfilled. And although this occurred before the lapse of one month Section 4527 is not applicable because in this event there was no breach of contract or improper discharge. If the vessel had returned to New York in less than a month, it could not be successfully contended that respondents could recover under Section 4527.

On the other hand respondents contend that the contract was breached because the vessel itself did not return to a port of discharge in the United States.

In *Johnson* v. *Standard Oil Company of New Jersey,* 33 F. Supp. 982 (D. C.—D. Md.), this petitioner sold a vessel at Halifax and returned the crew to New York by rail. One of the seamen sued for damages for breach of contract and one month's extra wages pursuant to Section 4527.

The voyage involved in that case was a coastwise voyage and accordingly the Court held that Section 4527 did not apply. But the seaman contended that, if the statute did

not apply, he was entitled to damages for breach of contract. The Court denied this claim saying at page 984:

> "Libelant's counsel asserts that even though there is no statutory provision for the allowance of the extra wages, libelant is nevertheless entitled thereto, because respondent has breached the terms of employment. But I find no breach".

The articles in question in the *Johnson* case, *supra,* contained the same provision regarding the termination of the voyage. The finding by the court that there was no breach is a clear ruling that the provision "back to a final port of discharge in the United States" is fulfilled by returning a seaman overland to a proper port, paying his wages while en route and the expenses of his transportation.

On the other hand no case has been found to support the contention of the respondents. It is submitted that there is no logic by which a seaman can complain that his vessel did not return to a United States port, when he himself has been returned to proper port without expense and with wages during the time of his transportation. Indeed Section 4582 sanctions the sale of a vessel at a foreign port.

D. Review by certiorari should be allowed.

Respectfully submitted,

Vernon S. Jones,
Counsel for Petitioner.

Walter P. Hickey,
of Counsel.

Form 705-B
(June 1939)

SHIPPING ARTICLES

(R. S. 4612, as amended—U. S. C., title 46, sec. 713)

Notice is hereby given that section 4519 of the U. S. Revised Statutes (U. S. C., title 46, sec. 577) makes it obligatory on the part of the master, at the commencement of every voyage or engagement, to cause a legible copy of the agreement (forecastle card), omitting signatures, to be kept posted in the forecastle or other place accessible to the crew, under a penalty not exceeding ONE HUNDRED DOLLARS.

ARTICLES OF AGREEMENT BETWEEN MASTER AND SEAMEN IN THE MERCHANT SERVICE

Required by Act of Congress, Title LIII, Revised Statutes of the United States (U. S. C., title

NAME OF SHIP	OFFICIAL No.	PORT OF REGISTRY	DATE OF REGISTER

REGISTERED MANAGING OWNER OR MANAGER		
Name	Address (number of house, street and town)	(State

NUMBER OF SEAMEN AND APPRENTICES FOR WHICH ACCOMMODATION IS CERTIFIED

Office of the U. S. SHIPPING COMMISSIONER FOR THE PORT

IT IS AGREED between the Master and seamen, or mariners, of the _____

_____ *of which* _____

is at present Master, or whoever shall go for Master, now bound from the Port of [1] _____

_____

_____

and such other ports and places in any part of the world as the Master may direct, and back to a final port of discharge

C-3

C-4

DEPARTMENT OF COMMERCE
BUREAU OF MARINE INSPECTION
AND NAVIGATION
SHIPPING SERVICE

of the master of a merchant vessel of the United
atures, to be placed or posted up in such part of

CE OF THE UNITED STATES
46, chap. 18)

Registered Tonnage		Voyage No.
Gross	Net	

Class of Ship

T OF ....., 19....

....., to

ge in the United States, for a term of time not

C-5

Reference No.	SIGNATURE OF SEAMAN	Birthplace (If foreign-born, but naturalized, insert NAT. in parenthesis after country of birth)	Age	Height	
				Ft.	In.
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

C-7

PARTICULARS OF ENGAGEMENT

Description		Number of Continuous Discharge Book or Certificate of Identification	Serial Number of License or Certificate	In What Capacity	Wa	
Complexion	Hair				Per month	

C-8

GES [1]		PLACE AND DATE OF SIGNING THIS AGREEMENT		TIME AT WHICH TO BE ON BOARD	MONTHLY ALLOTMENTS	
Rate per hour overtime		Place	Date		Amount	Payable to—

Address of Wife or Next of Kin	Conduct and Qualifications	Shipping Commissioner's Signature or Initials	Place, Date Leaving Ship: Place

C-11

PARTICULARS OF DISCHARGE

AND CAUSE OF OR OF DEATH		TIME OF SERVICE		WAGES EARNED						DEDUCTIONS	
Date	Cause	M	D	Regular Wage		Overtime		Total			

C-12

RELEASE

Balance of Wages Paid on Discharge	Date Wages Paid and Release Signed	We, the undersigned seamen, do hereby, each one for himself by our signatures herewith given in consideration of settlements made before the shipping commissioner, release the Master and owners from all claims for wages in respect of this voyage or engagement, and I, the Master, do also release each of the undersigned seamen from all claims, in consideration of this release signed by them. _____, Master.	Attestation of Shipping Commissioner	Reference No.
				1
				2
				3
				4
				5
				6
				7
				8
				9
				10

C-13

Offic

IT IS AGREED between the Master and seamen

is at present Master, or whoever shall go for Master, th

and such other ports and places in any part of the

exceeding _____ *calendar months.*

GOING ON SHORE I

NO DANG

SCALE OF PROVISIONS to be allowed and

		Sunday	Monday
Water	quarts	8	8
Biscuit	pound	½	½
Beef, salt	pounds		
Pork, salt	pound		1
Flour	pound	½	
Canned meat	pound	1	
Fresh bread	pounds	1½	1½
Fish, dry, preserved, or fresh	pound		
Potatoes or yams	pound	1	1
Canned tomatoes	pound	½	
Peas	pint		
Beans	pint		½
Rice	pint		½

One pound of flour daily may be substituted for the daily ration or two ounces of tapioca, for six ounces of rice; six ounces of canned of coffee for one-eighth of an ounce of tea; six ounces of canned fru pint of corn meal; two ounces of pickled onions for four ounces of fr

When the vessel is in port and it is possible to obtain the same, ration of canned tomatoes; one-half pound of fresh fruit for one rati

D-3

e of the U. S. SHIPPING COMMISSIONER FOR THE P

, *or mariners, of the* _____

_____ *of which* _____

ow bound from the Port of [1] _____

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world as the Master may direct, and back to a final port of di

N FOREIGN PORTS IS PROHIBITED EXCEPT BY PERMISSIO

EROUS WEAPONS [1] OR GROG ALLOWED, AND NONE TO BE BROUGHT ON BOARD BY

erved out to the Crew during the voyage in addition to the daily issue of lime and lemon juice and sugar, v

Tues-day	Wednes-day	Thurs-day	Fri-day	Satur-day	
8	8	8	8	8	Coffee (green berry)
½	½	½	½	½	Tea
1½		1½		1½	Sugar
	1		1		Molasses
½		½			Dried fruit
	1				Pickles
1½	1½	1½	1½	1½	Vinegar
			1		Corn meal
1	1	1	1	1	Onions
			½		Lard
½			½		Butter
	½				Mustard, pepper, and salt sufficient for seasoning.
				½	

SUBSTITUTES

of biscuit or fresh bread; two ounces of desiccated vegetables for one pound of
d vegetables for one-half pound of canned tomatoes; one-eighth of an ounce of te
it for three ounces of dried fruit; one-half ounce of lime juice for the daily ratio
esh onions.

one and one-half pounds of fresh meat shall be substituted for the daily rations
ion of dried fruit. Fresh fruit and vegetables shall be served while in port if obt

PORT OF _____, 19____

_____, to

scharge in the United States, for a term of time not

ON OF THE MASTER

THE CREW

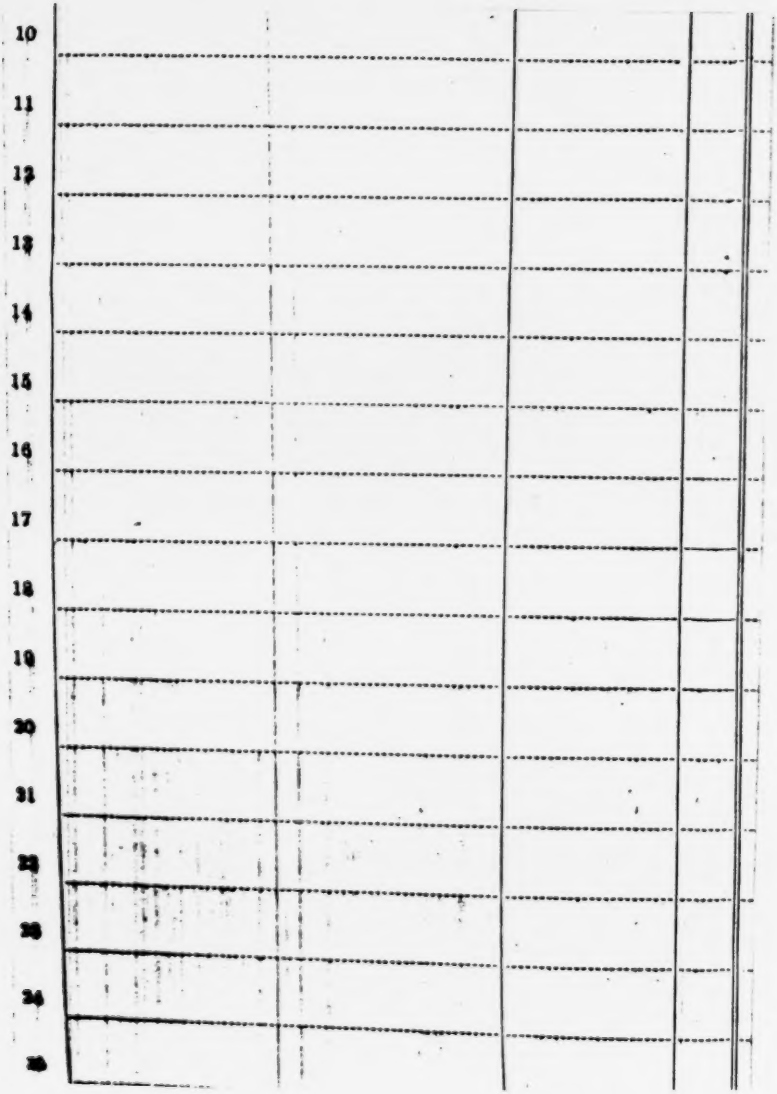
or other antiscorbutics in any case required by law

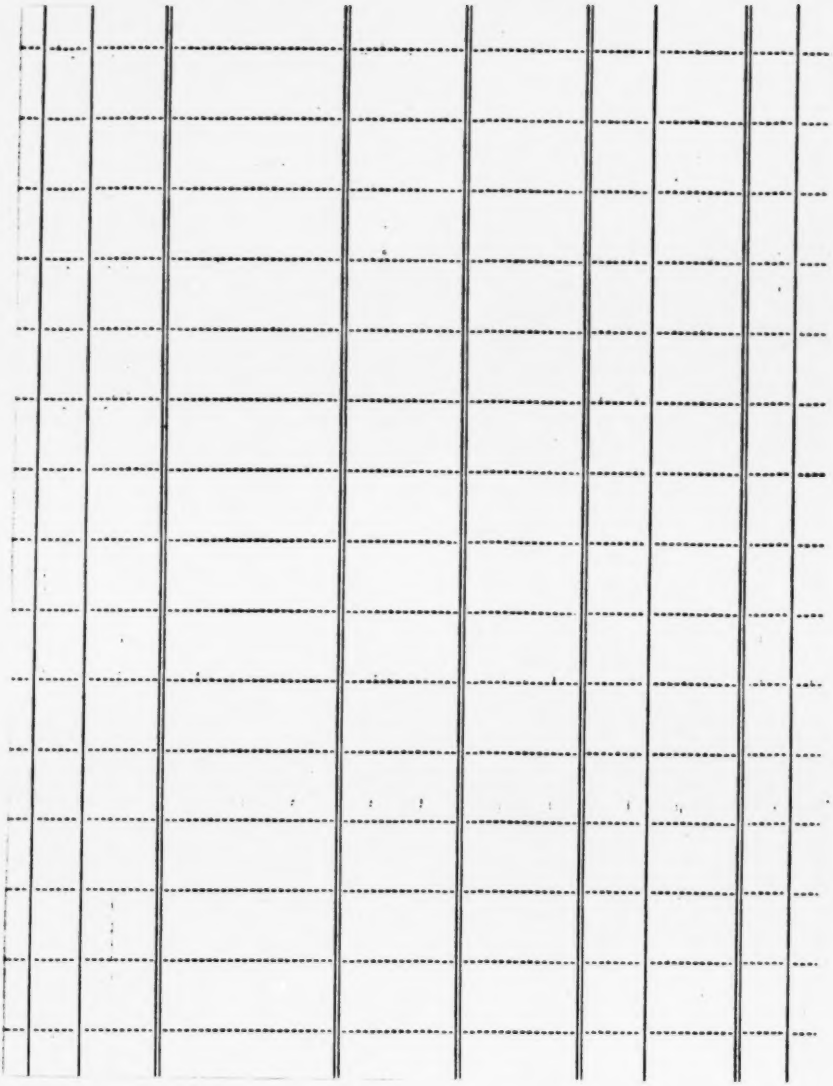
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
ounce	½	½	½	½	½	½	½
ounce	½						
ounces	3	3	3	3	3	3	3
pint	½		½		½		
ounces	3		3		3		
pint		½		½		½	
pint			½				½
ounces	4				4		
ounces	4				4		4
ounce	1	1	1	1	1	1	1
ounce	½	½	½	½	½	½	½

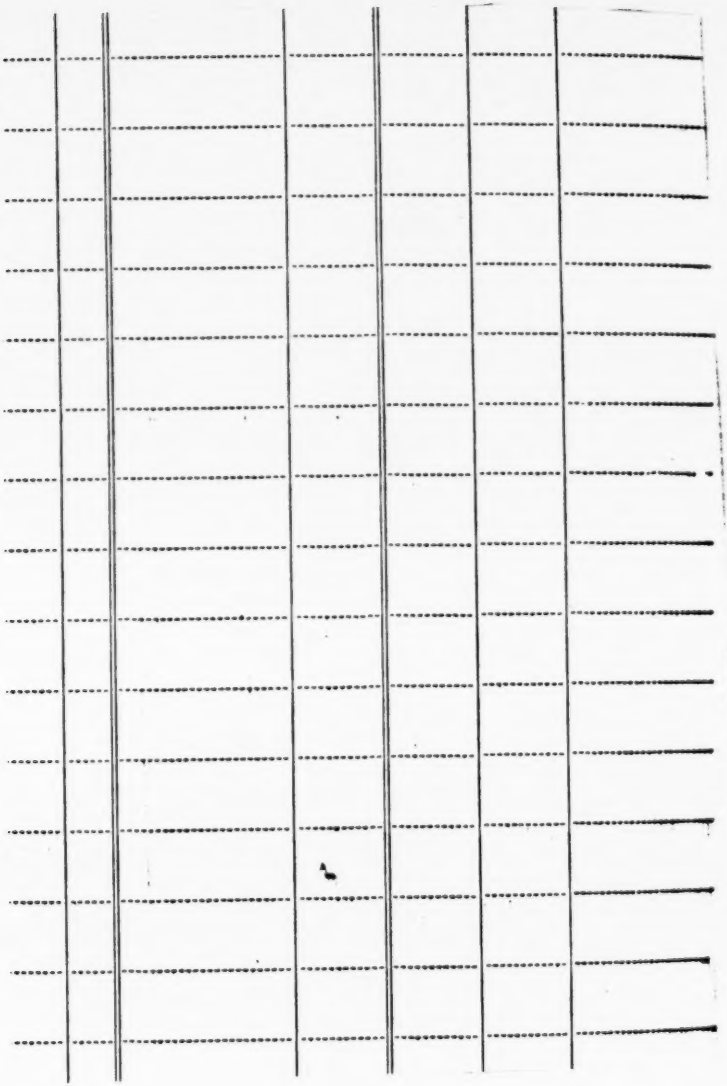
potatoes or yams; six ounces of hominy, oatmeal, or cracked wheat, ea for three-fourths of an ounce of coffee; three-fourths of an ounce n of vinegar; four ounces of oatmeal or cracked wheat for one-half

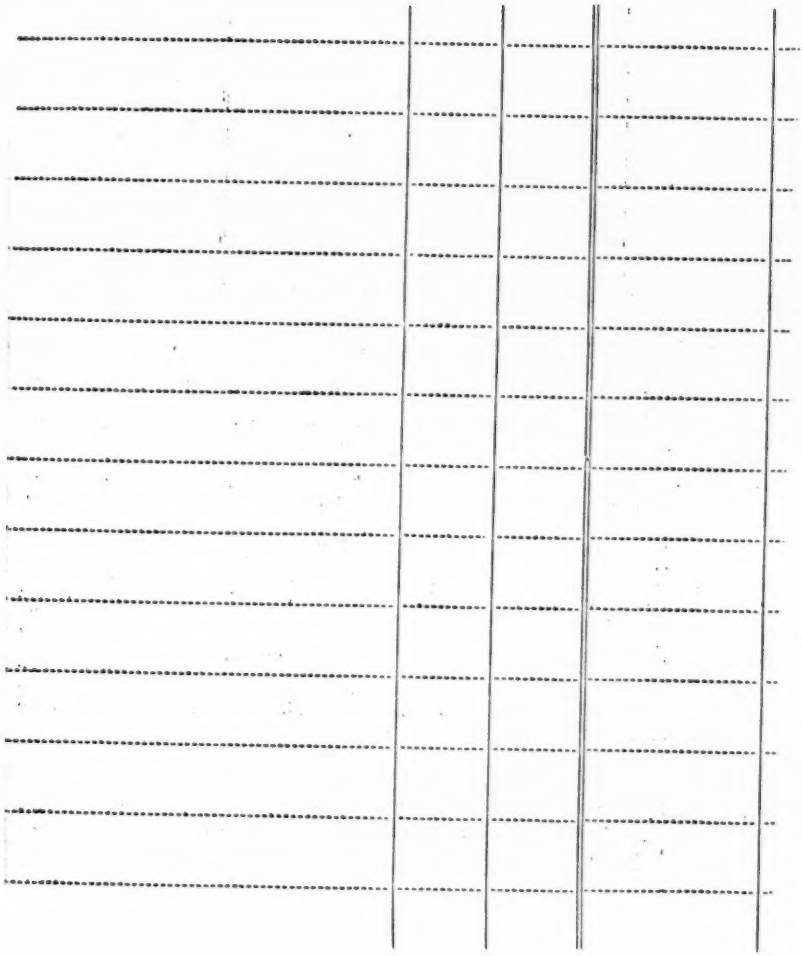
s of salt and canned meat; one-half pound of green cabbage for one ainable. The seamen shall have the option of accepting the fare the

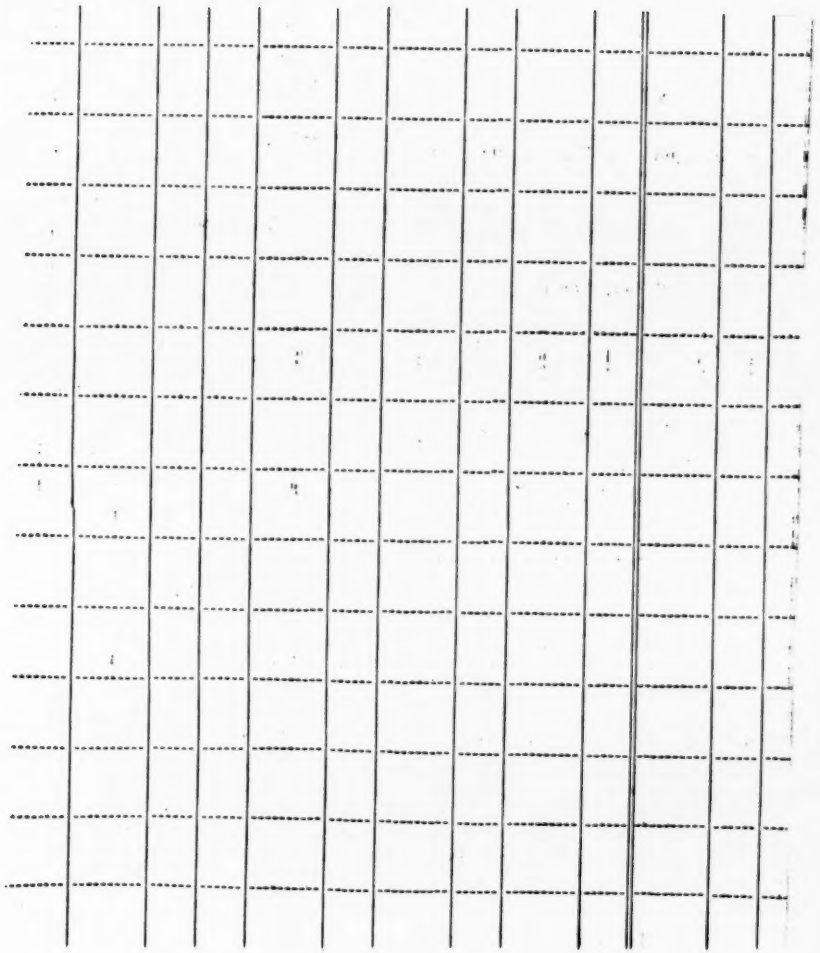
D-5

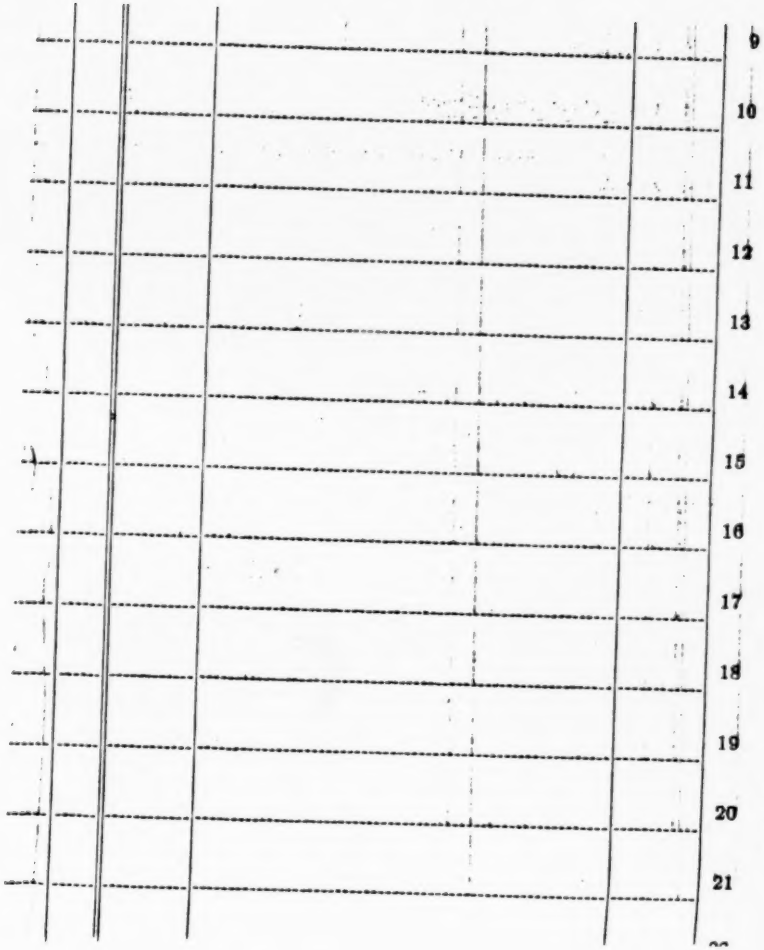








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One pound of flour daily may be substituted for the daily ratio or two ounces of tapioca, for six ounces of rice; six ounces of cann of coffee for one-eighth of an ounce of tea; six ounces of canned fr pint of corn meal; two ounces of pickled onions for four ounces of

When the vessel is in port and it is possible to obtain the sam ration of canned tomatoes; one-half pound of fresh fruit for one ra Master may provide, but the right at any time to demand the fores

The foregoing scale of provisions shall be inserted in every ar and in the forecastle of each vessel.

And the said crew agree to conduct themselves in an orderly, ter, or of any person who shall lawfully succeed him, and of their of which service to be duly performed the said Master hereby agr going scale. And it is hereby agreed, that any embezzlement or w same. And if any person enters himself as qualified for a duty wh of the crew considers himself to be aggrieved by any breach of the take such steps as the case may require.

It is also agreed that [4] _____

IN WITNESS WHEREOF the said parties he

—

on the ..... *day of* .....

The authority of the owner or agent for the allot

The Shipping Commissioner

[1] Here the voyage is to be described, and the places named at which the ship is t general nature and probable length of the voyage is to be stated, and the port or country a

[4] If these words are not necessary they must be stricken out.

N. B.—This form must not be unstitched. No leaves may be are engaged during the voyage than the number for whom signat

Any Erasure, Interlineation, or Alteration in this Ag

E-3

SUBSTITUTES

on of biscuit or fresh bread; two ounces of desiccated vegetables for one pound of
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ruit for three ounces of dried fruit; one-half ounce of lime juice for the daily rati
fresh onions.
e, one and one-half pounds of fresh meat shall be substituted for the daily ration
ation of dried fruit. Fresh fruit and vegetables shall be served while in port if obt
going scale of provisions.
ticle of agreement, and shall not be reduced by any contract, except as above, and

faithful, honest, and sober manner, and to be at all times diligent in their respectiv
superior officers, in everything relating to the vessel, and the stores and cargo th
ees to pay to the said crew, as wages, the sums against their names respectively
rilful or negligent destruction of any part of the vessel's cargo or stores shall be
hich he proves himself incompetent to perform, his wages shall be reduced in prop
agreement or otherwise, he shall represent the same to the Master or officer in c

_____

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_____

ve subscribed their names hereto on the days against their respe

_____, *Master, of* _

_____, *19*_____

ments mentioned in these articles is in my possession.

or Consular Officer will sign if such authority has been produced and w

o touch; or, if that cannot be done, the
t which the voyage is to terminate.

[3] Sec. 4608, R. S., prohibits t
[4] Here any other stipulations

taken out of it, and none added or substituted. Care should be taken at the ti
ures are provided in this form, an additional form should be obtained and used.

reement will be void, unless attested by a Shipping Commissioner, Con
the consent of the persons interested

E-4

potatoes or yams; six ounces of hominy, oatmeal, or cracked wheat, ea for three-fourths of an ounce of coffee; three-fourths of an ounce on of vinegar; four ounces of oatmeal or cracked wheat for one-half

s of salt and canned meat; one-half pound of green cabbage for one tainable. The seamen shall have the option of accepting the fare the

a copy of the same shall be posted in a conspicuous place in the galley

e duties, and to be obedient to the lawful commands of the said Mas- iereof, whether on board, in boats, or on shore; and in consideration expressed, and to supply them with provisions according to the fore- made good to the owner out of the wages of the person guilty of the ortion to his incompetency. And it is also agreed that if any member harge of the ship in a quiet and orderly manner, who shall thereupon

ctive signatures mentioned.

(Give address)

Shipping Commissioner or Consular Officer.

ill strike out in ink if it has not

be wearing of sheath knives on shipboard, and the Master informs the crew of this law.
may be inserted to which the parties agree, and which are not contrary to law.

me of engagement that a sufficiently large form is used. If more men

ul General, Consul, or Consular Agent, to be made with

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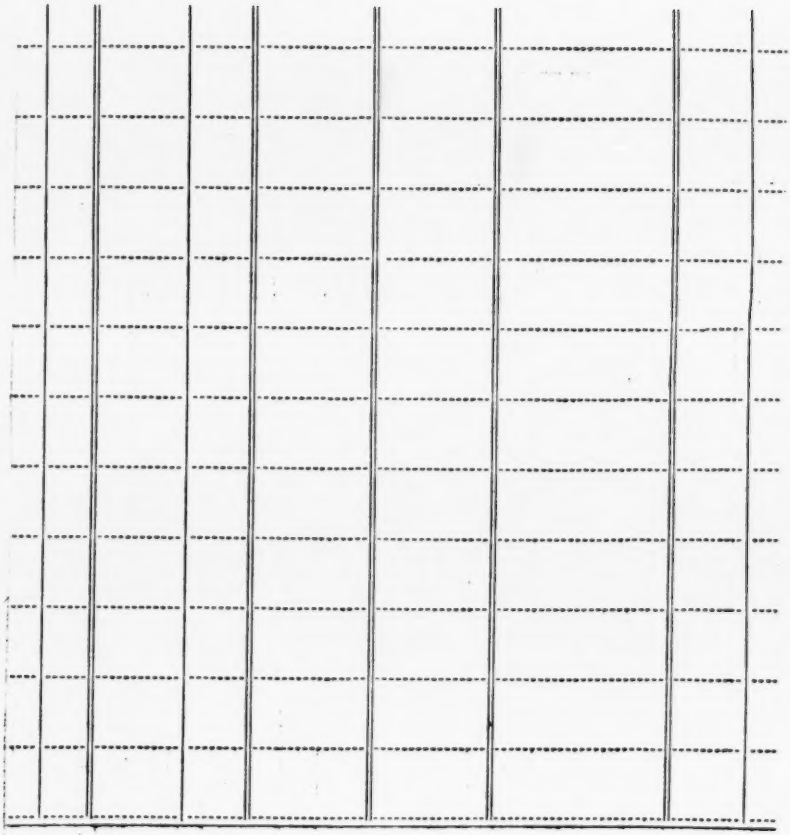
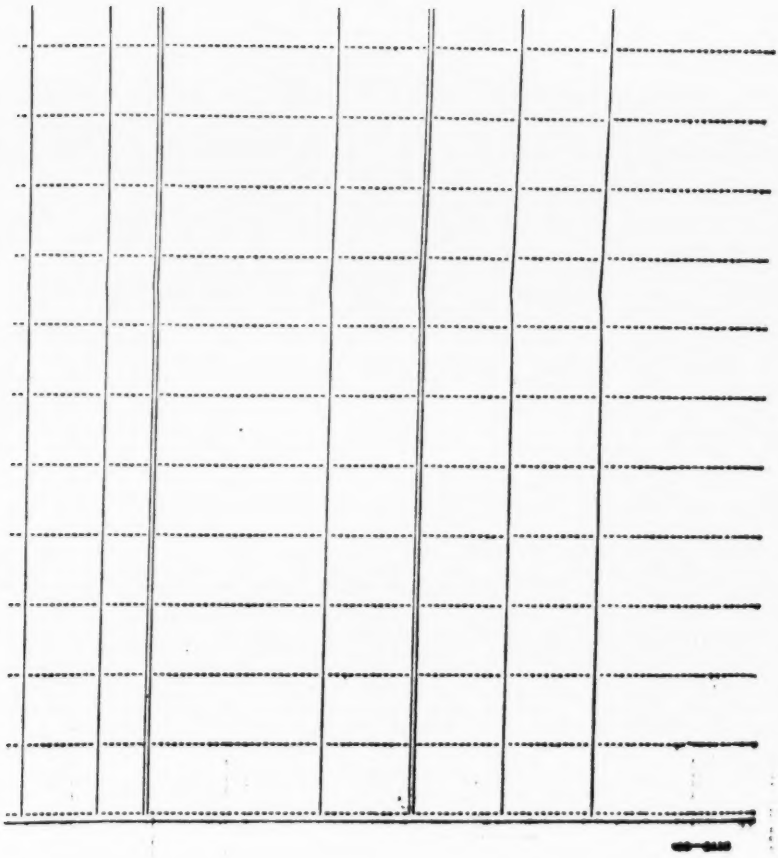
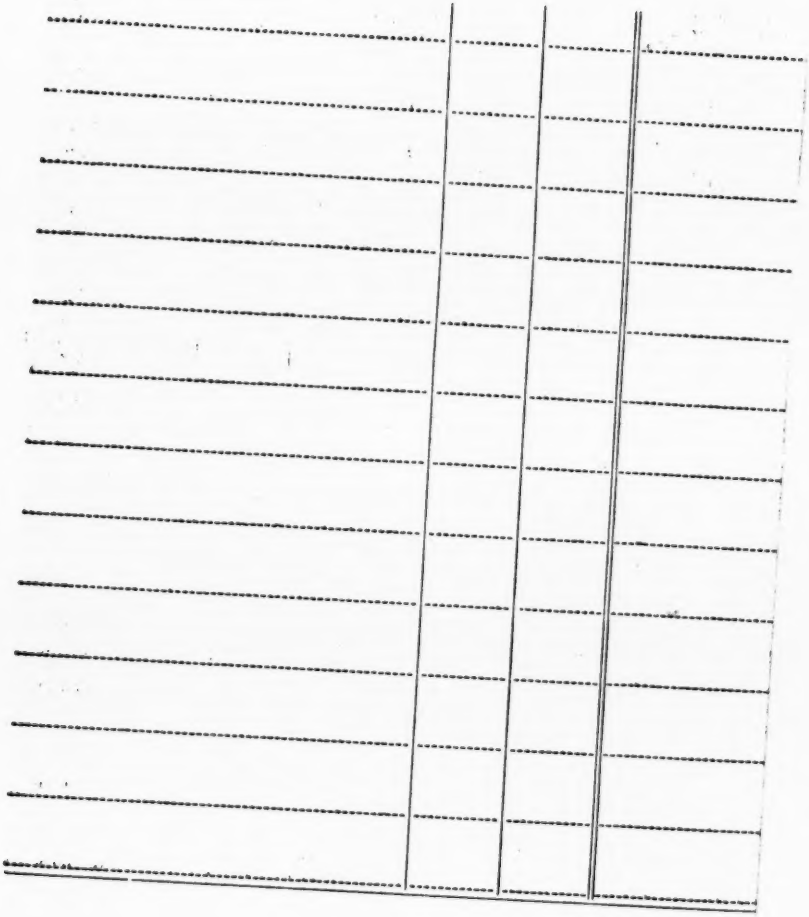
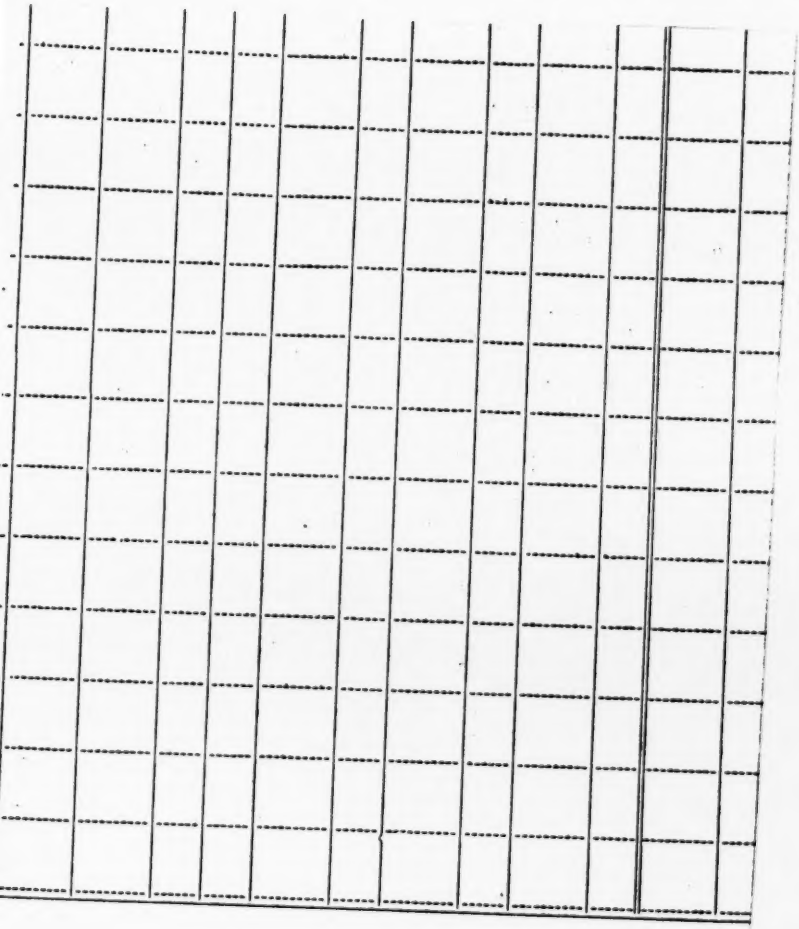
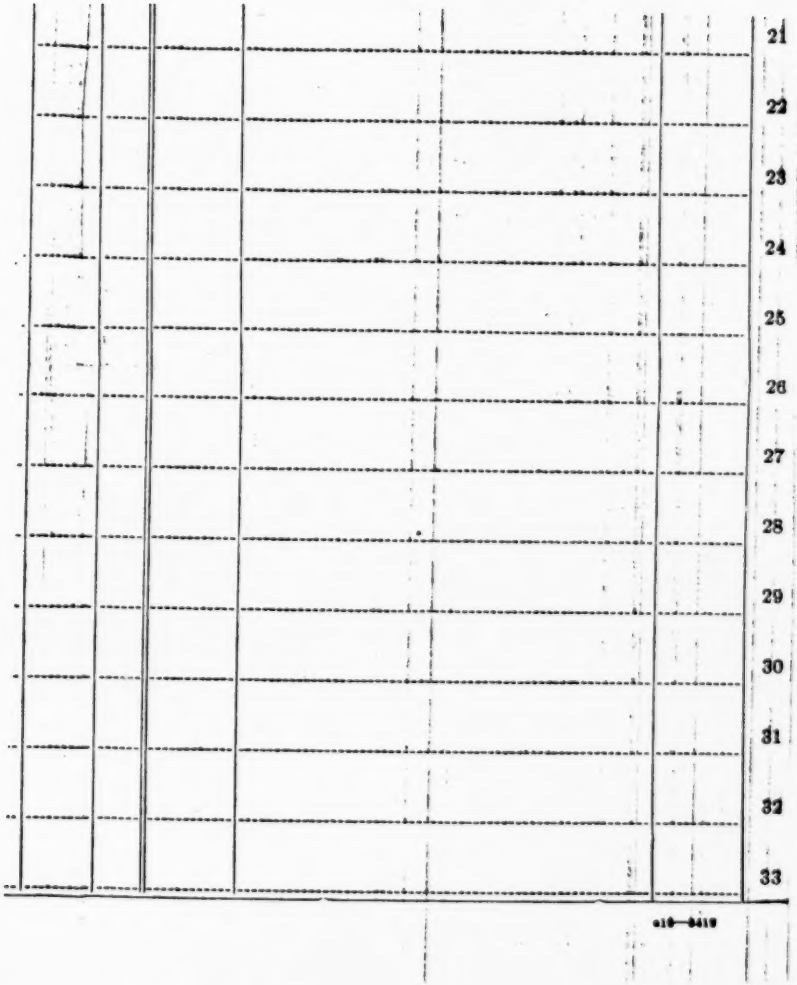
[1] Enter rate per month and rate per hour for overtime, as both items constitute wages.







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CERTIFICATES

Or Endorse

ments Made by Shipping Commissioners

I HEREBY CERTIFY that the entries in the Discharge Books of seamen i
applicable entries herein, or Certificates of Discharge have been issued in ac

ncluded in these articles agree with the
ordance therewith.

U. S. Shipping Commissioner.

CITIZENSHIP REQUIREMENTS (crew exclusive o

licensed officers)

	Subsidized Passenger Vessels	Subsidized	Cargo Vessels	Nonsubsidized Vessels
	90 percent shall be citizens of United States, either native-born or naturalized. Legally admitted aliens may comprise other 10 percent but may be employed in Steward's Department only.	On and after 100 percent States, either naturalized	r Sept. 27, 1936, citizens of United er native-born or	On and after Dec. 25, 1936, 75 percent citizens of United States, either native-born or naturalized.
	Number	*N*	*Number*	*Number*
Native-born citizens				
Naturalized citizens				
First papers				
Admissible aliens				
Percentage (American citizens)	%		%	%

I HEREBY CERTIFY that the above statement as to the citizenship of th
and correct.

crew signed on these articles is true

U. S. Shipping Commissioner.

FOREIGN

	Shipp
	Reshi
	Total
	Failec

Officers	
United States (native)	
United States (naturalised)	
Men	
United States (native)	
United States (naturalised)	
Austrian	
British	
Chinese	
Danish	
Dutch	
Filipino	
French	
German	
Italian	
Norwegian	
Portuguese	
Russian	
Spanish	
Swedish	
Central American	
South American	
Others	
TOTAL	

A-3

A-4

and Consuls

NEARBY	COASTWISE

ed.
pped.

to join.

DECK	ENGINE	STEWARDS	TOTAL

I HEREBY CERTIFY that the above statement as to the citizenship of th
and correct.

ATTENTION OF MAS

Agreement To Ship in Foreign Trade.

(R. S. 4511—46 U. S. C. 564) The master of every vessel bound from a p
port other than vessels engaged in trade between the United States and t
or the West India Islands, or the Republic of Mexico, or of any vessel of
ward, bound from a port on the Atlantic to a port on the Pacific, or vice
voyage, make an agreement, in writing, or in print, with every seaman wh
in the manner hereinafter mentioned:
(R. S. 4519—46 U. S. C. 577) The master shall, at the commencement of
legible copy of the agreement, omitting signatures, to be placed or poste
accessible to the crew; and on default shall be liable to a penalty of not n

Penalty for Shipment Without Agreement.

(R. S. 4514—46 U. S. C. 567) If any person shall be carried to sea, asone of
a voyage as hereinbefore specified (R. S. 4511) without entering into an ag
in the form and manner, and at the place and times in such cases require
such offense to a penalty of not more than $200. But the vessel shall not
sea, who shall have secretly stowed away himself without the knowledg
officers of the vessel, or who shall have falsely personated himself to the
for the purpose of being carried to sea.

Shipment in Foreign Ports Before Consuls.

(R. S. 4517—46 U. S. C. 570) Every master of a merchant vessel who en
United States, in which there is a consular officer, shall, before carrying s
of such officer and shall engage seamen in his presence; and the rules gover
shipping commissioner in the United States shall apply to such engagem
upon every such engagement the consular officer shall endorse upon the
attestation to the effect that the same has been signed in his presence an
(R. S. 4518—46 U. S. C. 571) Every master who engages any seaman in any
otherwise than as required by the preceding section shall incur a penalty o
the vessel shall be held liable.

Shipment of Seamen in the Coasting or Nearby Foreign Trade.

(June 19, 1886—Sec. 2—46 U. S. C. 646) Shipping commissioners may ship a
in the coastwise trade, or the trade between the United States and the
or the West Indies, or the Republic of Mexico, at the request of the mast

Watches—Hours of Labor—Legal Holidays.

(R. S. 4551—Sec. 2—46 U. S. C., Supp. IV 673) In all merchant vessels of the
tons gross, excepting those navigating rivers, harbors, lakes (other than C
canals, exclusively, the licensed officers and sailors, coal passers, firemen,
sea, be divided into at least three watches, which shall be kept on duty suc
work incident to the sailing and management of the vessel. No licensed
department of any tug documented under the laws of the United States
for fishing purposes) navigating the Great Lakes, harbors of the Great Lak
between Gary, Ind.; Duluth, Minn.; Niagara Falls, N. Y.; and Ogdensbu
to work more than eight hours in one day except in case of extraordinary em

ew signed on these articles is true

U. S. Shipping Commissioner.

Spanish	
Swedish	
Central American	
South American	
Others	
TOTAL	

RS ESPECIALLY INVITED TO THE FOLLOWING P

n the United States to any foreign
British North American possessions,
burden of seventy-five tons, or up-
s, shall, before he proceeds on such
he carries to sea as one of the crew,

ry voyage or engagement, cause a
in such part of the vessel as to be
than $100.

crew on board of any vessel making
ment with the master of such vessel,
e vessel shall be held liable for each
held liable for any person carried to
the master, mate, or of any of the
ster, mate, or officers of the vessel,

s any seaman at a place out of the
seaman to sea, procure the sanction
g the engagement of seamen before a
made before a consular officer, and
eement his sanction thereof, and an
herwise duly made.
ce in which there is a consular officer
t more than $100, for which penalty

lischarge crews for any vessel engaged
inion of Canada, or Newfoundland,
r owner of such vessel.

ited States of more than one hundred
t Lakes), bays, sounds, bayous, and
rs, and water tenders shall, while at
ively for the performance of ordinary
ficer or seaman in the deck or engine
cept boats or vessels used exclusively
and connecting and tributary waters
N. Y., shall be required or permitted
ency affecting the safety of the vessel

and each seaman, respectively, i
claims for wages in respect of the
attest it, and shall retain it in a b
such settlement, or the settlemen

(R. S. 4524—46 U. S. C. 591) A se
time at which he commences wo
presence on board, whichever firs
(R. S. 4530—46 U. S. C. 597) Ever
from the master of the vessel to
unpaid at the time when such de
menced, shall load or deliver carg
shall be void: *Provided*, Such a d
days nor more than once in the s
with this demand shall release the
And when the voyage is ended e
then due him, as provided in sec
release signed by any seaman unc
good cause shown set aside such r

Discharge in Foreign Trade.

(R. S. 4549—46 U. S. C. 641) All s
from a port in the United States t
port on the Atlantic to a port on t
of a duly authorized shipping co
petent court otherwise directs; s
belonging thereto, or pays his wa
not more than $50.
(R. S. 4551—Subsec. (d)—46 U. S.
wages, the shipping commissione
carries such a book, the name an
coastwise), the class to which the
and of the discharge of such sea
signature of the person making s
(R. S. 4551—Subsec. (e)—46 U. S.
case of seamen preferring the cer
Marine Inspection and Navigati
form as to specify the name and
of identification, the name and o
coastwise), the class to which the
and of the discharge of such sea
Records of service entered in eith
to the character or ability of the
make the proper entries therein,
master of the vessel and shall be
(R. S. 4551—Subsec. (k)—46 U. S.
crew before a shipping commissi

EQUIREMENTS OF LAW

h the presence of the shipping commissioner, shall sign a mutual release of all past voyage or engagement, and the shipping commissioner shall also sign and ook to be kept for that purpose, provided both the master and seaman assent to t has been adjusted by the shipping commissioner.

aman's right to wages and provisions shall be taken to commence either at the rk, or at the time specified in the agreement for his commencement of work or it happens.

y seaman on a vessel of the United States shall be entitled to receive on demand which he belongs one-half part of the balance of his wages earned and remaining mand is made at every port where such vessel, after the voyage has been com- o before the voyage is ended, and all stipulations in the contract to the contrary emand shall not be made before the expiration of, nor oftener than once in five me harbor on the same entry. Any failure on the part of the master to comply seaman from his contract and he shall be entitled to full payment of wages earned. very such seaman shall be entitled to the remainder of the wages which shall be tion 4529 of the Revised Statutes: *Provided further*, That notwithstanding any ler section 4552 of the Revised Statutes, any court having jurisdiction may upon elease and take such action as justice shall require.

amen discharged in the United States from merchant vessels engaged in voyages o any foreign port, or, being of the burden of seventy-five tons or upward, from a ne Pacific, or vice versa, shall be discharged and receive their wages in the presence mmissioner under this Title (R. S. 4501–4612), except in cases where some com- and any master or owner of any such vessel who discharges any such seaman ges within the United States in any other manner, shall be liable to a penalty of

C., Supp. IV 643 (d)) Upon the discharge of any seaman and the payment of his er shall enter in the continuous discharge book of such seaman, if the seaman l official number of the vessel, the nature of the voyage (foreign, intercoastal, or vessel belongs (steam, motor, sail, or barge), the date and place of the shipment nan, the rating (capacity in which employed) then held by such seaman, and the ch entries and nothing more.

C., Supp. IV 643 (e)) For the purpose of furnishing evidence of sea service in the tificate of identification instead of the continuous discharge book, the Bureau of ion shall provide a certificate of discharge, printed on durable paper, in such citizenship of the seaman to whom it is issued, the serial number of his certificate official number of the vessel, the nature of the voyage (foreign, intercoastal, or vessel belongs (steam, motor, sail, or barge), the date and place of the shipment man, and the rating (capacity in which employed) then held by such seaman. er continuous discharge books or certificates of discharge shall contain no reference seaman. The shipping commissioner shall issue such certificate of discharge and which certificate shall be signed by the seaman to whom it is issued and the witnessed by such shipping commissioner.

C., Supp. IV 643 (k)) Where vessels are required to sign on and discharge the

Shipment in Foreign Ports Before Consuls.

(R. S. 4517—46 U. S. C. 570) Every master of a merchant vessel who enga
United States, in which there is a consular officer, shall, before carrying suc
of such officer and shall engage seamen in his presence; and the rule govern
shipping commissioner in the United States shall apply to such engagemen
upon every such engagement the consular officer shall endorse upon the a
attestation to the effect that the same has been signed in his presence and
(R. S. 4518—46 U. S. C. 571) Every master who engages any seaman in any p
otherwise than as required by the preceding section shall incur a penalty of
the vessel shall be held liable.

Shipment of Seamen in the Coasting or Nearby Foreign Trade.

(June 19, 1886—Sec. 2—46 U. S. C. 646) Shipping commissioners may ship and
in the coastwise trade, or the trade between the United States and the D
or the West Indies, or the Republic of Mexico, at the request of the master

Watches—Hours of Labor—Legal Holidays.

(R. S. 4551—Sec. 2—46 U. S. C., Supp. IV 673) In all merchant vessels of the I
tons gross, excepting those navigating rivers, harbors, lakes (other than G
canals, exclusively, the licensed officers and sailors, coal passers, firemen, c
sea, be divided into at least three watches, which shall be kept on duty succe
work incident to the sailing and management of the vessel. No licensed
department of any tug documented under the laws of the United States (e
for fishing purposes) navigating the Great Lakes, harbors of the Great Lake
between Gary, Ind.; Duluth, Minn.; Niagara Falls, N. Y.; and Ogdensburg
to work more than eight hours in one day except in case of extraordinary eme
and/or life or property. The seamen shall not be shipped to work altern
shall those shipped for deck duty be required to work in the fireroom, or v
or seaman in the deck or engine department be required to work more thar
visions shall not limit either the authority of the master or other officer or t
judgment of the master or other officer the whole or any part of the crew
berth, mooring, or unmooring, the vessel or the performance of work nec
passengers, crew, and cargo, or for the saving of life aboard other vessels
from requiring the whole or any part of the crew to participate in the perf
While such vessel is in a safe harbor no seaman shall be required to do an
following-named days: New Year's Day, the Fourth of July, Labor Day, T
but this shall not prevent the dispatch of a vessel on regular schedule or
And at all times while such vessel is in a safe harbor, eight hours, inclusive
day's work. Whenever the master of any vessel shall fail to comply with
thereunder, the owner shall be liable to a penalty not to exceed $500, and t
from such vessel and to receive the wages earned. But this section shall
operations: *Provided*, That in all tugs and barges subject to this section wi
hundred miles, the licensed officers and members of crews other than coal p
may, while at sea, be divided into not less than two watches, but nothin
repealing any part of section 222 of this title. This section shall take effe
amended June 25, 1936, c. 816, 2, 49 Stat. 1938; June 23, 1938, c. 597, 52 S

Wages.

(R. S. 4552—46 U. S. C. 644) The following rules shall be observed with re
First. Upon the completion, before a shipping commissioner, of any disch

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ges any seaman at a place out of the
h seaman to sea, procure the sanction
ing the engagement of seamen before a
its made before a consular officer, and
greement his sanction thereof, and an
otherwise duly made.
lace in which there is a consular officer
not more than $100, for which penalty

l discharge crews for any vessel engaged
ominion of Canada, or Newfoundland,
r or owner of such vessel.

United States of more than one hundred
reat Lakes), bays, sounds, bayous, and
ilers, and water tenders shall, while at
ssively for the performance of ordinary
officer or seaman in the deck or engine
xcept boats or vessels used exclusively
es, and connecting and tributary waters
g, N. Y., shall be required or permitted
rgency affecting the safety of the vessel
ately in the fireroom and on deck, nor
ice versa; nor shall any licensed officer
eight hours in one day; but these pro-
he obedience of the seamen when in the
w are needed for maneuvering, shifting
essary for the safety of the vessel, her
in jeopardy, or when in port or at sea,
ormance of fire, lifeboat, or other drills.
y unnecessary work on Sundays or the
Thanksgiving Day, and Christmas Day,
when ready to proceed on her voyage.
of the anchor watch, shall constitute a
n this section and the regulation issued
he seamen shall be entitled to discharge
not apply to vessels engaged in salvage
nen engaged on a voyage of less than six
assers, firemen, oilers, and water tenders
ng in this proviso shall be construed as
ot six months after June 25, 1936. (As
Stat. 944.)

spect to the settlement of wages:
rge and settlement, the master or owner

(R. S. 4549—46 U. S. C. 641) All seam
from a port in the United States to an
port on the Atlantic to a port on the P
of a duly authorized shipping commi
petent court otherwise directs; and
belonging thereto, or pays his wages
not more than $50.

(R. S. 4551—Subsec. (d)—46 U. S. C.,
wages, the shipping commissioner sh
carries such a book, the name and off
coastwise), the class to which the ves
and of the discharge of such seaman,
signature of the person making such

(R. S. 4551—Subsec. (e)—46 U. S. C.,
case of seamen preferring the certific
Marine Inspection and Navigation
form as to specify the name and citiz
of identification, the name and offic
coastwise), the class to which the ve
and of the discharge of such seama
Records of service entered in either c
to the character or ability of the sea
make the proper entries therein, wh
master of the vessel and shall be with

(R. S. 4551—Subsec. (k)—46 U. S. C.
crew before a shipping commissioner
duties required by subsections (d) a
performed by a collector or deputy c
the crew before a shipping commis
section to be performed by the shi
master who shall fail to perform such

Discharge in Foreign Ports.

(R. S. 4580—46 U. S. C. 682) Upon t
seaman, or upon the application of a
has completed his shipping agreeme
general principles or usages of mari
seaman, and require from the master
may then be due said seaman; but r
discharge of any seaman except as

Arbitration Before Shipping Com

(R. S. 4554—46 U. S. C. 651) Every
a master, consignee, agent, or owne
and every award so made by him sh
taken in the matter, before any cou
any document under the hand and
be prima facie evidence thereof.

ɜn discharged in the United States from merchant vessels engaged in voyages
y foreign port, or, being of the burden of seventy-five tons or upward, from a
acific, or vice versa, shall be discharged and receive their wages in the presence
ɜsioner under this Title (R. S. 4501–4612), except in cases where some com-
any master or owner of any such vessel who discharges any such seaman
within the United States in any other manner, shall be liable to a penalty of

Supp. IV 643 (d)) Upon the discharge of any seaman and the payment of his
ɔall enter in the continuous discharge book of such seaman, if the seaman
ficial number of the vessel, the nature of the voyage (foreign, intercoastal, or
ɜsel belongs (steam, motor, sail, or barge), the date and place of the shipment
the rating (capacity in which employed) then held by such seaman, and the
entries and nothing more.
Supp. IV 643 (e)) For the purpose of furnishing evidence of sea service in the
ɜate of identification instead of the continuous discharge book, the Bureau of
shall provide a certificate of discharge, printed on durable paper, in such
ɜenship of the seaman to whom it is issued, the serial number of his certificate
ial number of the vessel, the nature of the voyage (foreign, intercoastal, or
ɜsel belongs (steam, motor, sail, or barge), the date and place of the shipment
n, and the rating (capacity in which employed) then held by such seaman.
ɔntinuous discharge books or certificates of discharge shall contain no reference
ɯan. The shipping commissioner shall issue such certificate of discharge and
ɦich certificate shall be signed by the seaman to whom it is issued and the
ɜessed by such shipping commissioner.
, Supp. IV 643 (k)) Where vessels are required to sign on and discharge the
· and no shipping commissioner is appointed or is available the functions and
nd (e) of this section to be performed by such shipping commissioner may be
ɔllector of customs; and where vessels are not required to sign on and discharge
ɜsioner the duties and functions required by subsections (d) and (e) of this
pping commissioner shall be performed by the master of such vessel. Any
ɜ duties or functions shall be fined in the sum of $50 for each offense.

he application of the master of any vessel to a consular officer to discharge a
ɲy seaman for his own discharge, if it appears to such officer that said seaman
nt or is entitled to his discharge under any act of Congress or according to the
time law as recognized in the United States, such officer shall discharge said
of said vessel, before such discharge shall be made, payment of the wages which
ɯo payment of extra wages shall be required by any consular officer upon such
ɔrovided in this act.

mɪssioner.

shipping commissioner shall hear and decide any question whatsoever between
ɜr, and any of his crew, which both parties agree in writing to submit to him;
all be binding on both parties, and shall, in any legal proceedings which may be
ɜrt of justice, be deemed to be conclusive as to the rights of the parties. And
official seal of a commissioner purporting to be such submission or award shall